

REMARKS

Claims Amendments

Claims 1-3, 9-12, 14, 16 and 19 have been amended to delete the phrases "the step of" or "the steps of" as being unnecessary. In addition, claims 4 and 6 have been amended to recite "further comprising" rather than simply "comprising." These amendments do not narrow the scope of the claims in any way, do not introduce new matter, are not for any reason related to patentability, and are merely conform the claims to standard U.S. practice.

Claims Rejections

The Examiner has rejected claims 1-13 and 15-19 under §102(e) as being anticipated by Sennett. The Examiner has further rejected claim 14 under §103(a) as being obvious over Sennett in view of Linden. Applicant requests reconsideration of the rejections.

Claims 1-9

Independent claim 1 requires, *inter alia*, "formulating a help request, said help request comprising context sensitive data associated with a current status of the mobile terminal...." The Examiner points to Sennett col. 2, lines 30-33 in an attempt to show this element of the claimed process. The full paragraph of Sennett having the passage cited by the Examiner is reprinted below for easy reference:

The present invention provides a method and a system for providing automated help information to subscribers of a mobile telecommunications system that is context sensitive with respect to the mobile terminal equipment being used by a subscriber. Thus, a subscriber can

conveniently obtain answers for the following exemplary questions about services without calling a customer service representative: How do I store a telephone number in memory? How do I retrieve a telephone number from memory. How do I read a text message? How do I store a text message? What capabilities does the cellular network have for Calling Number ID?

(Sennett, col. 2, lines 23-33 (emphasis added).) It is apparent from this description that Sennett is looking only at the "mobile terminal equipment being used by a subscriber," and not the particular applications being run on the mobile terminal. Indeed, Sennett at most looks at the "ESN and [] MIN associated with the mobile communications device." As understood by one of ordinary skill in the art, the ESN and MIN at most identify the specific hardware of the mobile terminal, but do not help identify any software on the mobile terminal, and certainly not any applications running on the mobile terminal.

In contrast, Applicant's specification describes the present invention as being concerned with "a current status of the mobile terminal," page 3, lines 1-2 (Summary). As is pointed out in the specification, the current status relates to the applications running on the mobile terminal, *see, e.g.*, page 6, line 18 through page 7, line 14. In order to more clearly point out this aspect of the invention, independent claim 1 has been amended to explicitly require that "said context sensitive data identify[s] an application running during said help trigger event." It is submitted that Sennett's focus solely on the "mobile terminal equipment being used by a subscriber" does not teach or suggest the claimed process that requires identification of an application running during said help trigger event." Accordingly, Applicant submits that independent claim 1, and its dependent claims 2-9, define patentable subject matter over the cited art.

With further regard to dependent claim 3, this claim has been amended for clarity without narrowing the scope thereof. As amended, this claim requires "wherein

formulating a help request comprises determining, by said mobile terminal, an application that is active within the mobile terminal." On this point, the Examiner again points to Sennett col. 2, lines 30-33. However, a review of this passage finds that the passage mentions nothing about "determining, by said mobile terminal, an application that is active within the mobile terminal" at all, but instead only lists possible questions that a user might be thinking. As such, Applicant submits that that Sennett fails to teach or suggest the limitation of "wherein formulating a help request comprises determining, by said mobile terminal, an application that is active within the mobile terminal," as claimed in dependent claim 3. Accordingly, Applicant submits that dependent claim 3 defines patentable subject matter over the cited art, even if independent claim 1 does not.

With further regard to dependent claim 4, this claim requires "further comprising determining an application most recently accessed by a user." On this point, the Examiner points to Sennett col. 3, lines 57-67. However, a review of this passage finds that the passage mentions nothing about "determining an application most recently accessed by a user" at all, but instead merely indicates that the user may "dial[] a special access number, such as, a three digit number, an "800" number, or "*HELP", etc., for accessing the automated on-line help information service of the present invention from a mobile terminal 13." Applicant submits that "dialing a special access number" does not teach or suggest the step of "determining an application most recently accessed by a user," where that application is required to be "an application that is active within the mobile terminal," as required by dependent claim 4. As such, Sennett fails to teach or suggest the limitation of "further comprising determining an

application most recently accessed by a user," as claimed in dependent claim 4.

Accordingly, Applicant submits that dependent claim 4 defines patentable subject matter over the cited art, even if independent claim 1 and/or dependent claim 3 does not.

With further regard to dependent claim 5, this claim requires "further comprising determining an application state of the application." On this point, the Examiner again points to Sennett col. 2, lines 30-33. However, a review of this passage finds that the passage mentions nothing about "determining an application state of the application" at all, but instead only lists possible questions that a user might be thinking. Applicant submits that a mere listing of such questions does not teach or suggest the step of "determining an application state of the application," where that application is required to be "an application that is active within the mobile terminal," as required by dependent claim 5. As such, Sennett fails to teach or suggest the limitation of "further comprising determining an application state of the application," as claimed in dependent claim 5. Accordingly, Applicant submits that dependent claim 5 defines patentable subject matter over the cited art, even if independent claim 1 and/or dependent claim 3 does not.

With further regard to dependent claim 7, this claim has been amended to read "The method of claim 1, wherein said help request further comprises information selected from the group consisting essentially of language, model number, and software version." This amendment corrects a typographical error, does not introduce new matter, and finds support in the specification at page 3, lines 10-11 ("Additionally, the help request may include the language, model number, and software version of the mobile terminal.").

With further regard to dependent claims 8-9, these claim have been amended to correct a typographical error, by relating the "prior to the time" or "occurs after" to the detection of the "help trigger event" rather than receipt of the "help request". These amendments do not introduce new matter, and find support in the specification, see, e.g., page 6, line 18 through page 7, line 14. Applicant also notes that the Examiner's explanation of the rejection for claim 9 appears to confuse the concepts of the "help request" and the reply to the help request.

Claims 10-15

Independent claim 10 requires, *inter alia*, "receiving a request for help regarding an application running on a mobile terminal; gathering context specific data regarding the application, said context specific data identifying said application; sending the context specific data to a help server via an RF link." For reasons similar to those discussed above with respect to independent claim 1, Applicant submits that Sennett fails to teach or suggest these limitations. Accordingly, Applicant submits that independent claim 10, and its dependent claims 11-15, define patentable subject matter over the cited art.

With further regard to dependent claim 14, Applicant notes that Linden fails to provide any of the teachings missing from Sennett discussed above with respect to the corresponding independent claim 10; nor does the Examiner rely on Linden for any such teachings. As such, Applicant submits that dependent claim 14 defines patentable subject matter over the Sennett in combination with Linden, assuming *arguendo* that combination is proper.

With further regard to dependent claim 15, this claim has been amended to read "The method of claim 10, further comprising sending data selected from the group consisting essentially of a language, model number, and software version to said help server via an RF link." This amendment does not introduce new matter, and finds support in the specification at page 3, lines 10-11 ("Additionally, the help request may include the language, model number, and software version of the mobile terminal.").

Claims 16-18

Independent claim 16 requires, *inter alia*, "collecting context specific data regarding the specific aspect of the mobile terminal, said context specific data identifying an application running on said mobile terminal when said help request is received." For reasons similar to those discussed above with respect to independent claim 1, Applicant submits that Sennett fails to teach or suggest these limitations. Accordingly, Applicant submits that independent claim 16, and its dependent claims 17-18, define patentable subject matter over the cited art.

Claim 19

Independent claim 19 requires, *inter alia*, "formulating a help request, said help request comprising context sensitive data associated with a current status of the mobile terminal, said context sensitive data identifying an application running when said request for help is received." For reasons similar to those discussed above with respect to independent claim 1, Applicant submits that Sennett fails to teach or suggest these

limitations. Accordingly, Applicant submits that independent claim 19 defines patentable subject matter over the cited art.

Claims 20-21

Newly added dependent claims 20-21 depend from independent claims 1 and 10 respectively. These claim are supported by the specification as filed and do not introduce new matter. The claims are believed to define patentable subject matter over the cited art for the reasons stated above with respect to their respective independent claims. In addition, Applicant submits that neither Sennett nor Linden teach or suggest anything about "an application state of said application" being sent to a "help server via an RF link," as required by these claims. Accordingly, Applicant submits that dependent claims 20-21 define patentable subject matter over the cited art.

Respectfully submitted,
COATS & BENNETT, P.L.L.C.



John R. Owen
Registration No.: 42,055
Telephone: (919) 854-1844

Dated: December 3, 2003